



## Conditional Use Permit Application Information

Land Services Department

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## ARTICLE 7 – CONDITIONAL OR INTERIM USE PERMITS

### 7.1 CONDITIONAL OR INTERIM USE PERMIT

Land uses shown as Conditional or Interim Uses in the Land Use Tables in Article 10.3, shall be allowed only after a Conditional or Interim Use Permit application has been made to and approved by the Planning Commission/Board of Adjustment.

#### A. Application Requirements

1. A Certificate of Survey prepared in accordance with Article 44, also including any additional items listed below.
  - a) Property boundary with sufficient survey and mathematical data to locate and retrace the boundary;
2. Grading and stormwater plans utilizing the current certificate of survey as a base for the subject property depicting the following:
  - a) Existing contours at two (2) foot intervals
  - b) Drainage plan, including the configuration of drainage areas and calculations
  - c) Surface water ponding and treatment areas
  - d) Erosion control measures
3. After determining that the application is complete, the Administrator, shall forward the application and supporting documentation to the Planning Commission/Board of Adjustment for consideration at their next meeting.

### 7.2 PUBLIC HEARING

The Planning Commission/Board of Adjustment shall hold at least one public hearing on an application for a conditional or interim use permit pursuant to Minnesota Statutes, Chapter 394.26 and it's adopted its rules of business.

### 7.3 DELAYED ACTION

In considering the application for a Conditional or Interim Use, the Planning Commission/Board of Adjustment may adjourn the hearing to a future time and defer action or consideration until further information desired from the applicant is submitted. The applicant shall be formally notified of the information needed or reason for tabling the item. The provisions for action on an application shall be in compliance with Minnesota Statutes, Chapter 15.99 and Article 3.8 A. of this Ordinance.

### 7.4 DETERMINATION

In considering an application, the Planning Commission/Board of Adjustment shall determine and make findings for approval or denial on:

- A. The impact of the proposed use on the health, safety, and general welfare of the occupants in the surrounding neighborhood;
- B. The ability of the proposed use to meet the standards of this ordinance;
- C. The ability of the proposed use to meet the goals and policies within the Comprehensive Plan;



- D.** The effect of the proposed use on property values and future development of the land in the surrounding neighborhood;
- E.** The effect of the proposed use on public utility, public services, roads and schools;
- F.** The effects of the proposed use on the environment including its impact on groundwater, surface water and air quality;
- G.** The adequacy of water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided pursuant to applicable standards;

## **7.5 CONDITIONS MAY APPLY**

The Planning Commission/Board of Adjustment, in approving any such application, may impose additional conditions to the granting of a conditional or interim use permit that shall fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- A.** Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
- B.** Special provisions for the location, use of structures, sewage treatment systems, watercraft launching and docking areas and vehicle parking areas.
- C.** Performance security as prescribed in Article 3.6 of this ordinance
- D.** Provisions to ensure that the conditional use will not be detrimental to the use and enjoyment of the environment or of other properties.
- E.** Buffers between potentially conflicting uses or along shorelines.
- F.** Designated length of time in which work must be completed

## **7.6 SPECIAL REVIEW CRITERIA FOR FLOOD PLAIN CONDITIONAL USE PERMITS**

In reviewing Conditional Use applications in Floodplain areas, the Planning Commission/Board of Adjustment shall consider all relevant factors specified in other sections of these standards, and:

- A.** The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B.** The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- C.** The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D.** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E.** The importance of the services provided by the proposed facility to the community.



- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of these standards.

## **7.7 CONDITIONAL OR INTERIM USE PERMIT DECISION**

After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the conditional or interim use requested. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the conditional or interim use is approved, the Administrator shall cause a copy of the conditional or interim use to be recorded with the land records for the subject property in the Office of the County Recorder.

## **7.8 STATUS OF CONDITIONAL OR INTERIM USE PERMIT**

Any use permitted under the terms of a conditional or interim use permit shall be established and conducted in conformity with the terms and conditions designated in connection with the approval of the permit and all other applicable provisions of this Ordinance. A conditional or interim use permit shall remain in effect so long as the conditions agreed upon are observed. Nothing in this Article shall prevent the Board from enacting this ordinance or any other ordinance to change the status of a conditional or interim use.

## **7.9 AMENDMENTS TO CONDITIONAL OR INTERIM USE PERMITS**

Amendments to approved conditional or interim use permits or requests for changes in conditions attached to conditional or interim use permits shall be referred to the Planning Commission/Board of Adjustment and processed in the same manner as new conditional or interim use permits.

## **7.10 APPEALS OF PLANNING COMMISSION/BOARD OF ADJUSTMENT DECISION**

Acting in its capacity as the Planning Commission, all Planning Commission/Board of Adjustment decisions under this Article regarding conditional or interim use permits, and their recommendations to the County Board regarding plats, land use district map amendments, and ordinance text amendments shall be final, except that any aggrieved person or department, board, or commission of the County or of the



State of Minnesota may appeal any decision of the Planning Commission relative to a conditional or interim use permit by writ of certiorari to the Minnesota Court of Appeals within 60 days after receipt of due notice of the decision.

#### **7.11 REVOCATION OF CONDITIONAL OR INTERIM USE PERMIT**

The Planning Commission/Board of Adjustment may, subsequent to a public hearing, revoke a conditional or interim use permit if any conditions imposed as part of granting the conditional or interim use permit request, are violated.

#### **7.12 INTERIM USE PERMITS**

The purpose of an interim use permit is to allow a use that is not permitted, allowed or conditional use, for a limited period of time, subject to conditions set forth in this Ordinance.

**A.** The determination for considering an interim use permit shall be the same as for a conditional use permit as provided for in Section 7.4 of this Ordinance plus the following criteria:

1. The use will terminate upon a date or event that can be identified with certainty; and
2. The use will be subject to any conditions that the Board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial suety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit; and
3. The use will be required to receive approval of a new interim use permit upon change of ownership unless at least one person or entity is the same full or partial owner as the previous owner.

**B.** An interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

1. The termination date or event stated in the permit
2. The interim use permit is revoked following the same procedures for the revocation of a conditional use permit pursuant to Article 7.11 of this Ordinance; or
3. The sue has been discontinued for a minimum of one (1) year.



## Conditional Use Permit Submission Requirements Checklist

<input type="checkbox"/> Attend a Development Review Team Meeting
<input type="checkbox"/> Certificate of Survey meeting requirements on Survey Requirements Checklist
<input type="checkbox"/> Authorized Agent Form (if applicable)
<u>Septic Requirements</u>
<input type="checkbox"/> Installed within the last 5 years <input type="checkbox"/> Inspected within the last 3 years <input type="checkbox"/> Winter Window (only applicable in winter)
<input type="checkbox"/> There is no septic system on this property <input type="checkbox"/> Septic Design <input type="checkbox"/> Site Suitability
<input type="checkbox"/> Wetland Delineation <input type="checkbox"/> No Wetland Letter <input type="checkbox"/> Winter Window (only applicable in winter)
<input type="checkbox"/> Conditional Use Permit Findings of Fact
<input type="checkbox"/> Payment - \$800.00 Application Fee, \$46.00 Recording Fee (if Torrens property, recording fee may be higher)
<input type="checkbox"/> Complete Application
<input type="checkbox"/> Stake out or flag the proposed project area(s) so they are clearly visible to the PC/BOA for the on-site visit
<input type="checkbox"/> Locate and mark your property lines or lot corner monuments



## Survey Requirements for Conditional Use Permit Application

- A Certificate of Survey signed by a Registered Land Surveyor licensed in the State of Minnesota, unless the Administrator determines otherwise. The following information shall be required on a Certificate of Survey or site plan.
- Parcel number
- North arrow
- Graphic scale
- Legal description of subject parcel including – Section – Township – Range (unless platted: provide beginning point and end point)
- Bearing/coordinate system
- Date of preparation
- Property boundary with dimensions shown including lot area (square footage & acreage) of parcel; sufficient survey and mathematical data to locate and retrace the boundary
- Location of road right-of-way, public and private roads and any easements of record
- Location and size of all existing and proposed driveways, roads and easements
- Location of all wells & septic systems (existing and proposed)
- Location, square footage, and height of all existing and proposed structures
- Structure setbacks including all pertinent dimensions
- Building area of parcel(s)
- Building envelope
- Nonconforming structure setbacks including all pertinent dimensions
- Two-foot contours
- Shoreline and ordinary high-water elevation line (if riparian lot); total area of riparian parcel and the area above the ordinary high-water elevation
- Existing and proposed impervious coverage calculations
- Bluffs (> 25 ft. ht. and >30% slope) and with setbacks of existing and proposed structures; if none on property statement from surveyor on Certificate of Survey
- Steep slopes (>30% slope, for at least 10 ft. minimum length threshold.); if none on property statement from surveyor on Certificate of Survey
- Location of delineated wetlands – with statement showing it was done (by whom, date) or statement indicating no wetlands with a letter by a professional wetland delineator
- Existing and proposed impervious coverage calculations
- Grading and stormwater plans utilizing the current certificate of survey as a base for the subject property depicting the following:
  - a) Existing contours at two (2) foot intervals
  - b) Drainage plan, including the configuration of drainage areas and calculations
  - c) Surface water ponding and treatment areas
  - d) Erosion control measures

